

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Specification and Abstract

The specification and abstract have been reviewed and revised to improve their English grammar. The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification and abstract, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

II. Amendments to the Claims

Claim 2 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

Further, claim 1 has been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejection discussed below. These amendments to claim 1 are supported by, at least, the last paragraph on page 17 of the previously submitted specification.

New claim 7 has been added to depend from independent claim 1.

It is also noted that claim 1 has been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claim in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the

claim, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Moreover, in view of the election of claims 1 and 2 filed on February 9, 2009, claims 3-6 have been identified as being withdrawn.

III. 35 U.S.C. § 103(a) Rejection

Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Cole et al. (U.S. 2003/0101645), JP11-56118, and Knablein et al. (U.S. 4,291,494). This rejection regarding claim 2 is considered moot based on the above-mentioned cancellation of claim 1. Further, this rejection is believed clearly inapplicable to amended claim 1 for the following reasons.

Amended independent claim 1 recites an apparatus for producing seedlings that includes a closed-type structure, seedling culture shelves including a plurality of shelf boards disposed within the closed-type structure, a plurality of fans capable of generating an air stream and being installed on each of the seedling culture shelves, a carbon dioxide gas supply unit, and a light-transmitting shield detachably disposed to cover grafted seedlings mounted on each of the plurality shelf boards. In addition, claim 1 recites that the light-transmitting shield includes a plurality of vent holes and includes side faces that are parallel to a direction of a flow of the air stream, and recites that the plurality of vent holes are formed in the side faces of the light-transmitting shield to generate a static pressure from the flow of the air stream, such that the static pressure provides a gas exchange between an inner space of the closed-type structure and

an inner space of the light-transmitting shield. Cole, JP11-56118 and Knablein, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Cole and JP11-56118 fails to disclose or suggest the light-transmitting shield detachably disposed to cover the grafted seedlings, as recited in claim 1. In light of the above this rejection relies on Knablein for teaching the above-mentioned features which are admittedly lacking from Cole and JP11-56118. However, in view of the above-identified amendments to claim 1, which further defines the structure of the light-transmitting shield, it is submitted that Knablein fails to disclose or suggest the above-mentioned distinguishing features now required by the light-transmitting shield, as recited in amended claim 1.

Rather, Knablein merely teaches that a light transmitting shield 12 is used for covering a tray 13 including a plurality of individual sections for growing seedlings, wherein the single light transmitting shield 12 includes a vent hole located at a top portion thereof (see Figs. 1 and 2 and col. 1, lines 50-60 and col. 2, lines 22-26).

Thus, in view of the above, it is clear that Knablein teaches that a light transmitting shield has a vent hole located at a top portion thereof, but fails to disclose or suggest that the light-transmitting shield includes side faces that are parallel to a direction of a flow of the air stream and includes a plurality of vent holes formed in the side faces to generate a static pressure from the flow of the air stream, such that the static pressure provides a gas exchange between an inner space of the closed-type structure and an inner space of the light-transmitting shield, as recited in claim 1.

More specifically, Applicants note that Knablein requires the vent hole to be located at the top portion of the light transmitting shield, which does not provide a structure such that a plurality of vent holes are formed in the side faces of the light-transmitting shield to generate a static pressure from the flow of the air stream, such that the static pressure provides a gas exchange between an inner space of the closed-type structure and an inner space of the light-transmitting shield, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 would not have been obvious or result from any combination of Cole, JP11-56118 and Knablein.

Furthermore, there is no disclosure or suggestion in Cole, JP11-56118 and/or Knablein or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Cole, JP11-56118 and/or Knablein to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 is clearly allowable over the prior art of record.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Katsuyoshi OKABE et al.

By: _____
/Andrew L. Dunlap/
2009.08.03 13:31:49 -04'00'

Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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